

General Civil and Domestic Relations Case Filing Information Form

Superior or State Court of Chatham County

For Clerk Use Only

Date Filed 6/7/2022
MM-DD-YYYY

Case Number STCV22-00945

Plaintiff(s)

Morris	Hakim			
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix
Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney James A. Watson

Defendant(s)

Mabe Trucking Co, Inc

Last	First	Middle I.	Suffix	Prefix
Jones	JR	Jerome		
Last	First	Middle I.	Suffix	Prefix
Hartford Fire Insurance Company				
Last	First	Middle I.	Suffix	Prefix

Last First Middle I. Suffix Prefix
Bar Number 741325 Self-Represented

Check One Case Type in One Box

General Civil Cases

- Automobile Tort
- Civil Appeal
- Contract
- Garnishment
- General Tort
- Habeas Corpus
- Injunction/Mandamus/Other Writ
- Landlord/Tenant
- Medical Malpractice Tort
- Product Liability Tort
- Real Property
- Restraining Petition
- Other General Civil

Domestic Relations Cases

- Adoption
- Dissolution/Divorce/Separate Maintenance
- Family Violence Petition
- Paternity/Legitimation
- Support – IV-D
- Support – Private (non-IV-D)
- Other Domestic Relations

Post-Judgment – Check One Case Type

- Contempt
- Non-payment of child support, medical support, or alimony
- Modification
- Other/Administrative

- Check if the action is related to another action(s) pending or previously pending in this court involving some or all of the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number _____

Case Number _____

- I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. § 9-11-7.1.

- Is an interpreter needed in this case? If so, provide the language(s) required. _____

Language(s) Required _____

- Do you or your client need any disability accommodations? If so, please describe the accommodation request.



In The State Court of Chatham County

133 Montgomery Street, Room 501, Savannah, GA 31401

www.statecourt.org • Phone (912) 652-7224 • FAX (912) 652-7229 • clerk@statecourt.org

Hakim Morris

Plaintiff

STCV22-00945

Case Number

Vs

Mabe Trucking Co, Inc. RJ Jerome Jones and
Hartford Fire Insurance Company

Address of Defendant

Registered Agent: Roger D. Mabe, Jr
1603 Mill Avenue
Eden, NC 27288

Defendant

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Mabe Trucking Co, Inc

Defendant's Address 1603 Mill Avenue, Eden, NC 27288

You are hereby summoned and required to efile (<https://georgia.tylerhost.net/ofsweb/>) with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

James A. Watson, Esq.

Wheeler & Watson, PC

920 Holcomb Bridge Road, Ste 100

Roswell, GA 30076

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

Brian K. Hart

CLERK OF COURT

State Court of Chatham County

/s/ Rebekah Jenkins

Not valid until
signed and sealed
by a Deputy Court
Clerk

Deputy Clerk, State Court of Chatham County

PRINT



In The State Court of Chatham County

133 Montgomery Street, Room 501, Savannah, GA 31401

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Hakim Morris

Plaintiff

STCV22-00945

Case Number

Vs

Mabe Trucking Co, Inc. RJ Jerome Jones and
Hartford Fire Insurance Company

Address of Defendant

3701 Sawyer Drive
Winston-Salem, NC 27105

Defendant

SUMMONS

TO THE ABOVE NAMED DEFENDANT: RJ Jerome Jones

Defendant's Address 3701 Sawyer Drive, Winston-Salem, NC 27105

You are hereby summoned and required to efile (<https://georgia.tylerhost.net/ofsweb/>) with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

James A. Watson, Esq.
Wheeler & Watson, PC
920 Holcomb Bridge Road, Ste 100
Roswell, GA 30076

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

Brian K. Hart

CLERK OF COURT
State Court of Chatham County

/s/ Rebekah Jenkins

Deputy Clerk, State Court of Chatham County

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by a Deputy Court
Clerk

PRINT

27. Summons 03-24-2021



In The State Court of Chatham County

133 Montgomery Street, Room 501, Savannah, GA 31401

www.statecourt.org • Phone (912) 652-7224 • FAX (912) 652-7229 • clerk@statecourt.org

Hakim Morris

Plaintiff

STCV22-00945

Case Number

Vs

Mabe Trucking Co, Inc. RJ Jerome Jones and
Hartford Fire Insurance Company

Address of Defendant

Registered Agent: Corporation Service Company
289 South Culver Street
Lawrenceville, GA 30046-4805

Defendant

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Hartford Fire Insurance Company

Defendant's Address 289 Culver Street, Lawrenceville, GA 30046-4805

You are hereby summoned and required to efile (<https://georgia.tylerhost.net/ofsweb/>) with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

James A. Watson, Esq.

Wheeler & Watson, PC

920 Holcomb Bridge Road, Ste 100

Roswell, GA 30076

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

Brian K. Hart

CLERK OF COURT

State Court of Chatham County

/s/ Rebekah Jenkins

Deputy Clerk, State Court of Chatham County

Not valid until
signed and sealed
by a Deputy Court
Clerk

PRINT

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

HAKIM MORRIS)
)
PLAINTIFF,)
)
vs.) CIVIL ACTION # GCV22-00945
) FILE NO. _____
MABE TRUCKING CO, INC,)
RJ JEROME JONES and)
HARTFORD FIRE INSURANCE)
COMPANY)
)
DEFENDANTS.)

PLAINTIFF'S COMPLAINT FOR DAMAGES

COMES NOW, Hakim Morris, Plaintiff in the above-styled action, and files this his Complaint for Damages against the Defendants, Mabe Trucking Co, Inc. ("Mabe"), RJ Jerome Jones ("Jones") and Hartford Fire Insurance Company ("Hartford") and shows this Honorable Court as follows:

PARTIES, JURISDICTION AND VENUE

1.

Plaintiff Hakim Morris is a resident of the State of South Carolina.

2.

Defendant Mabe is a North Carolina corporation conducting business in the state of Georgia. Defendant Mabe is a "motor carrier of property", a "motor contract carrier," and/or a "motor common carrier" as defined by O.C.G.A. § 46-1-1 and is subject to the jurisdiction and venue of this Honorable Court. Service of Process may be perfected upon said Defendant by serving Defendant's registered agent for service by Second Original of

the Complaint and Summons at his address, to wit: Roger D. Mabe, Jr., 1603 Mill Avenue, Eden, North Carolina 27288.

3.

Defendant Jones is a resident of Forsyth County, North Carolina and is subject to the jurisdiction and venue of this Honorable Court. Defendant Jones may be served with by Second Original Complaint and Summons at his residence address, to wit: 3701 Sawyer Drive, Winston Salem, North Carolina 27105.

4.

Defendant Hartford is a foreign corporation conducting business in the state of Georgia and is subject to the jurisdiction and venue of this Honorable Court. Defendant Hartford was the insurance carrier for Defendant Mabe at the time of the subject incident and is joined as a party defendant pursuant to O.C.G.A. § 46-7-12. As such, Defendant Hartford is subject to a direct action as the insurer for Defendant Mabe in that all elements necessary to sue Defendant Hartford under the Georgia Direct Action law are met in this case. Service of Process may be perfected upon said Defendant by serving Defendant's registered agent for service by Second Original of the Complaint and Summons at its address, to wit: Corporation Service Company, 289 South Culver Street, Lawrenceville, Gwinnett County, Georgia 30046-4805.

5.

The provisions of 49 C.F.R. §§301 to 339, commonly referred to as the "Federal Motor Carrier Safety Regulations" or "FMCSR" are applicable to this case.

6.

Venue of this action against the Defendants properly lies in Chatham County pursuant to O.C.G.A. §40-1-117(b) in that this cause of action arose Chatham County.

STATEMENT OF FACTS

7.

At all times relevant to this action, Defendant Jones was the agent, employee or independent contractor of Defendant Mabe, acting within the course and scope of his employment or agency, in pursuit of its business so that his wrongful acts and omissions are imputed to it, and it is subject to liability for injuries and harm proximately caused by Defendant Jones' wrongful acts or omissions.

8.

As the driver of a commercial motor vehicle, Defendant Jones owed a duty to operate his commercial vehicle in a safe and reasonable manner, and to properly inspect and maintain the commercial vehicle to ensure that it could be operated safely.

9.

On July 1, 2020, at approximately 2:45 A.M., Defendant Jones was operating a 2019 International tractor trailer in the course and scope of his employment with Defendant Mabe and attempted to back into a parking spot at a Pilot Travel Center located in Port Wentworth, Chatham County, Georgia.

10.

At said time and place, Plaintiff Morris was sleeping in the sleeper cab of his parked 2007 Freightliner tractor in a parking spot next to the parking spot where Defendant Jones was attempting to back his tractor trailer.

11.

As Defendant Jones attempted to back his trailer into the parking spot adjacent to Plaintiff Morris' parking spot, Defendant Jones negligently struck the front of the cab of Plaintiff Morris' tractor.

12.

Upon information and belief, as a result of the impact, the rear bumper of Defendant Jones' trailer caught on the front bumper of Plaintiff's cab.

13.

Immediately after the trailer's impact with his cab, Plaintiff Morris got out of his sleeper bed. As he did so, Defendant Jones negligently attempted to pull his tractor trailer forward thereby violently jerking Plaintiff's tractor forward and causing Plaintiff Morris to lose his balance and fall backwards against a cabinet in the cab.

14.

As a result of the collision, Plaintiff Morris suffered severe and permanent injuries.

15.

Defendant Jones' conduct in failing to properly back his tractor-trailer and keep his vehicle under control was in direct violation of FMCSR §§ 383.111 and 383.113 at the time of his motor vehicle wreck with Plaintiff Morris.

16.

Defendant Jones' conduct violated Federal Motor Carrier Safety Act regulations, including, but not limited to, FMCSR §§ 383.111 and 383.113 and was negligent per se under Georgia law.

17.

Defendant Jones' conduct violated Georgia traffic laws, including, but not limited to, O.C.G.A. §40-6-240 and was negligent per se under Georgia law.

COUNT ONE- NEGLIGENCE OF DEFENDANT JONES

18.

Plaintiff incorporates the allegations contained in all the preceding paragraphs as if fully set forth herein.

19.

Defendant Jones, as the driver of a commercial motor vehicle, owed a duty to operate his tractor trailer in a safe and reasonable manner, and to properly inspect and maintain the tractor trailer to ensure that it could be operated safely.

20.

Defendant Jones breached the above-referenced duties and was therefore negligent.

21.

Defendant Jones' conduct violated state and federal statutes and regulations, including, but not limited to O.C.G.A. § 40-6-240 and 49 C.F.R. §§ 350 to 399, which violations constitute negligence per se under Georgia law.

22.

Defendant Jones' negligence was a direct and proximate cause of the severe and permanent injuries sustained by Plaintiff Morris.

23.

Plaintiff Morris has incurred medical expenses for the treatment of his injuries in excess of \$162,000.00, to date and will incur substantial additional medical expenses in the future for the treatment of his injuries. Plaintiff Morris has also incurred lost income in amount in excess of \$10,000.00, to date and has also incurred out of pocket expenses as a direct result of this incident.

24.

Defendant Jones is liable to Plaintiff for all recoverable damages under the law.

COUNT TWO- VICARIOUS LIABILITY OF MABE TRUCKING CO, INC

25.

Plaintiff incorporates the allegations contained in all the preceding paragraphs as if fully set forth herein.

26.

At all times relevant to this action, Defendant Jones was an employee or agent of Defendant Mabe acting within the course and scope of his employment or agency.

27.

Under the principles of respondeat superior, actual agency, apparent agency and or lease liability, Defendant Mabe is vicariously liable for the negligent acts and omissions of Defendant Jones which led to the severe injuries suffered by Plaintiff Morris.

28.

Plaintiff Morris has incurred medical expenses for the treatment of his injuries in excess of \$162,000.00, to date and will incur substantial additional medical expenses in

the future for the treatment of his injuries. Plaintiff Morris has also incurred lost income in amount in excess of \$10,000.00, to date and has also incurred out of pocket expenses as a direct result of this incident.

29.

Defendant Mabe is liable to Plaintiff Morris for all recoverable damages under the law.

COUNT THREE- NEGLIGENCE OF DEFENDANT MABE TRUCKING CO, INC

30.

Plaintiff incorporates the allegations contained in all the preceding paragraphs as if fully set forth herein.

31.

At all times relevant to this action Defendant Mabe owed non-delegable duties to the public imposed on it by Federal and Georgia laws regulating motor common and contract carriers and motor carriers of property, including the duty to hire, train and supervise qualified commercial drivers.

32.

Defendant Mabe was independently negligent in hiring, retaining, training and supervising Defendant Jones as a commercial driver, which negligence caused or contributed to cause the severe injuries suffered by Plaintiff Morris.

33.

Defendant Mabe's negligence was a direct and proximate cause of the severe and permanent injuries sustained by Plaintiff Morris.

34.

Plaintiff Morris has incurred medical expenses for the treatment of his injuries in excess of \$162,000.00, to date and will incur substantial additional medical expenses in the future for the treatment of his injuries. Plaintiff Morris has also incurred lost income in amount in excess of \$10,000.00, to date and has also incurred out of pocket expenses as a direct result of this incident.

35.

Defendant Mabe is independently liable to Plaintiff Morris for all recoverable damages under the law.

COUNT FOUR—DIRECT ACTION AGAINST HARTFORD FIRE INSURANCE COMPANY

36.

Plaintiff incorporates the allegations contained in all the preceding paragraphs as if fully set forth herein.

37.

Defendant Hartford is subject to a direct action as the insurer for Defendant Mabe pursuant to Georgia law.

38.

Defendant Hartford was the insurer of Defendant Mabe at the time of the subject incident and issued a liability policy to comply with the filing requirements under Georgia law for intrastate transportation.

39.

All elements necessary to sue Defendant Hartford under the Georgia Direct Action law are met in this case.

40.

Defendant Hartford is responsible for any judgment rendered against Defendant Mabe and Defendant Jones.

WHEREFORE, Plaintiff Hakim Morris demands judgment against the Defendants as follows:

- (a) A sum in an amount to be determined by the enlightened conscience of an impartial jury as and for general damages to compensate Plaintiff for his past, present and future pain and suffering;
- (b) A sum in an amount to be proven at trial as and for Plaintiff Hakim Morris' medical expenses incurred to date and for future medical expenses;
- (c) A sum in an amount to be proven at trial as and for Plaintiff Hakim Morris' lost income incurred to date and for future lost income;
- (d) A sum in an amount to be proven at trial as and for Plaintiff's out-of-pocket expenses;
- (g) A trial by jury; and
- (h) Such other and further relief as this Honorable Court deems just and proper.

RESPECTFULLY SUBMITTED, this 6th day of June 2022.

WHEELER & WATSON, P.C.
Attorneys for Plaintiff

/s/ James A. Watson
James A. Watson
GA Bar No. 741325
jim@wheelerwatsonlaw.com

/s/ D. Kevin Wheeler
D. Kevin Wheeler
GA. Bar No. 751247
kevin@wheelerwatsonlaw.com

920 Holcomb Bridge Road
Suite 100
Roswell, Georgia 30076
(770) 998-6655
(770) 998-5544 FAX

IN THE STATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

HAKIM MORRIS)
)
 PLAINTIFF,)
)
 vs.) CIVIL ACTION STCV22-00945
) FILE NO. _____
 MABE TRUCKING CO, INC,)
 RJ JEROME JONES and)
 HARTFORD FIRE INSURANCE)
 COMPANY)
)
 DEFENDANTS.)

PLAINTIFF'S RULE 5.2 CERTIFICATE OF DISCOVERY

COMES NOW, Plaintiff in the above-styled action, and hereby certifies that Plaintiff has this day served upon the Defendants the following documents:

- 1) Plaintiffs' First Continuing Interrogatories to Defendant Mabe Trucking Co, Inc;
- 2) Plaintiffs' First Request for Production of Documents to Defendant Mabe Trucking Co, Inc;
- 3) Plaintiffs' First Requests for Admission to Defendant Mabe Trucking Co, Inc;
- 4) Plaintiffs' First Continuing Interrogatories to Defendant RJ Jerome Jones;
- 5) Plaintiffs' First Request for Production of Documents to Defendant RJ Jerome Jones;
- 6) Plaintiffs First Requests for Admission to Defendant RJ Jerome Jones.

Respectfully submitted, this 6th day of June 2022.

WHEELER & WATSON, P.C.
ATTORNEYS FOR PLAINTIFF

/s/ James A. Watson
James A. Watson
Georgia Bar No. 741325
jim@wheelerwatsonlaw.com

920 Holcomb Bridge Road
Suite 100
Roswell, GA 0076
770-998-6655
770-998-5544 fax

AFFIDAVIT OF SERVICE

HAKIM MORRIS

Plaintiff,

vs

**MABE TRUCKING CO., INC,
RJ JEROME JONES and
HARTFORD FIRE INSURANCE COMPANY**

Defendants.

**STATE OF GEORGIA
IN THE STATE COURT OF
CHATHAM COUNTY
CIVIL ACTION No.: STCV22-00945**

Type of service: **Summons and Complaint**

Defendant to be Served: **RJ JEROME JONES**

Served on: 6-14-2022 @ 3:40pm

Address where served: 3701 Sawyer Drive, Winston-Salem, NC 27105

() INDIVIDUAL SERVICE by delivering, personally to the named defendant, a true copy of this process. She stated that she was

(XX) SUBSTITUTE SERVICE by delivering a true copy of this process at his/her usual place of abode with: Theola Jones (relationship) sister person residing therein of suitable age and discretion who confirmed the defendant resides at the above address and informing such person of their contents.

() **CORPORATE OR GOVERNMENT SERVICE** by delivering a true copy of the process to:

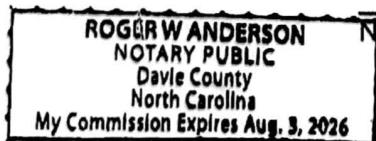
Comments: B/F Black hair 5'3"-5'5" 155-170 53-58v no glasses

SUBJECT IS AN ACTIVE MEMBER OF THE MILITARY SERVICE: YES/NO

I, Kathy Anderson, hereby certify that I am not a party to the above action or suit, and I am over 18 years of age and the above affidavit is true and correct. Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Served in Good Standing in: North Carolina

Sworn to and subscribed before me this 15 day of
June, 2022



IN THE STATE COURT OF CHATHAM COUNTY

STATE OF GEORGIA

HAKIM MORRIS)
)
 PLAINTIFF,)
)
 vs.) CIVIL ACTION
) FILE NO. STVC22-00945
 MABE TRUCKING CO, INC,)
 RJ JEROME JONES and)
 HARTFORD FIRE INSURANCE)
 COMPANY)
)
 DEFENDANTS.)

ACKNOWLEDGMENT OF SERVICE OF PROCESS

COMES NOW, Hartford Fire Insurance Company, Defendant in the above-styled action, and hereby acknowledges service of process of Plaintiff's Complaint for Damages in the above-styled action.

Respectfully submitted, this 30th day of June 2022.

Stone Kalfus, LLP
Attorneys for Defendant Hartford
Fire Insurance Company

/s/ Shawn N. Kalfus
(With Express Permission)
Shawn N. Kalfus, Esq.
GA Bar No.:406227

One Midtown Plaza
1360 Peachtree Street
Suite 1250
Atlanta, GA 30309
404-734-5269

IN THE STATE COURT OF CHATHAM COUNTY
STATE OF GEORGIA

HAKIM MORRIS)
)
 PLAINTIFF,)
)
 vs.) CIVIL ACTION
) FILE NO. STVC22-00945
 MABE TRUCKING CO, INC,)
 RJ JEROME JONES and)
 HARTFORD FIRE INSURANCE)
 COMPANY)
)
 DEFENDANTS.)

ACKNOWLEDGMENT OF SERVICE OF PROCESS

COMES NOW, Mabe Trucking Co, Inc, Defendant in the above-styled action, and hereby acknowledges service of process of Plaintiff's Complaint for Damages and Discovery Requests in the above-styled action.

Respectfully submitted, this 30th day of June 2022.

Stone Kalfus, LLP
Attorneys for Defendant
Mabe Trucking, Co, Inc.

/s/ Shawn N. Kalfus
(With Express Permission)
Shawn N. Kalfus, Esq.
GA Bar No.:406227

One Midtown Plaza
1360 Peachtree Street
Suite 1250
Atlanta, GA 30309